

REMARKS/ARGUMENTS

The Applicant originally submitted Claims 1-25 in the application. In previous responses, the Applicant amended Claims 1, 7-9, 15 and 18-20. In the present response, the Applicant has amended Claims 1, 7-8, 15 and 18. Support for the amended Claims can be found in the original specification at paragraphs 2, 5, 9, 18 and 21. No other claims have been canceled or added. Accordingly, Claims 1-25 are currently pending in the application.

I. Rejection of Claims 1-10 and 15-21 under 35 U.S.C. §103

The Examiner has rejected Claims 1-10 and 15-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,787,235 to Smith. The Applicants respectfully disagree since Smith does not teach or suggest independently applying fuzzy logic rules to each value of sets of fuzzified, dynamic values indicating network traffic flow as recited in amended independent Claims 1 and 15.

Smith pertains to analyzing telephone systems and making predictions about the most likely design of a country's telephone network. Smith discloses a tool that assists in the evaluation of what functional level a switch occupies in a network and produces a confidence measure associated with its prediction. (*See* column 1, lines 7-9.) Each switch in the network can be functioning at multiple levels. Additionally, each switch in the network has a geographic characteristic and a physical characteristic. (*See* column 4, lines 22-25.)

The tool of Smith, however, does not independently apply fuzzy logic rules to dynamic values indicating network traffic flow. On the contrary, Smith is not even concerned with dynamic

traffic flow in a network but instead is concerned with determining the design of a telephone network. (See column 1, lines 6-11.) Additionally, the tool applies fuzzy rules to the geographic and physical characteristics of a switch. (See column 4, lines 35-43.) The geographic and physical characteristics are not dynamic values and do not indicate network traffic flow. Instead, these are static characteristics that describe the position of the switch within the network and the configuration of the switch. (See column 1, lines 19-26.) Smith, therefore, does not teach or suggest independently applying fuzzy logic rules to each value of sets of fuzzified, dynamic values indicating network traffic flow as recited in amended independent Claims 1 and 15.

Since Smith fails to teach or suggest the invention recited in amended independent Claims 1 and 15, Smith does not provide a *prima facie* case of obvious in Claims 1 and 15 and Claims dependent thereon. As such, Smith does not render Claims 1-10 and 15-21 unpatentable. Accordingly, the Applicant respectfully requests the Examiner withdraw the §103(a) rejection of Claims 1-10 and 15-21 and allow issuance thereof.

II. Rejection of Claims 11-14 and 22-25 under 35 U.S.C. §103

The Examiner rejected Claims 11-14 and 22-25 under 35 U.S.C. §103(a) as being unpatentable over Smith in view of U.S. Patent No. 5,939,925 to Shibata, *et al.* As discussed above, Smith does not teach or suggest independently applying fuzzy logic rules to each value of sets of fuzzified, dynamic values indicating network traffic flow as recited in amended independent Claims 1 and 15. Shibata is directed to providing a semiconductor operational circuit which is capable of conducting calculations with respect to analog vectors at high speed and with high accuracy. (See

column 1, lines 59-63.) Shibata has been cited to teach the subject matter of dependent Claims 11-14 and 22-25 but has not been cited to teach or suggest independently applying fuzzy logic rules to dynamic values indicating network traffic flow. The cited combination, therefore, of Smith and Shibata does not provide a *prima facie* case of obviousness of independent Claims 1 and 15 and Claims 11-14 and 22-25 which depend thereon. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §103 rejection of dependent Claims 11-14 and 22-25 and allow issuance thereof.


III. Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-25.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC


J. Joel Justiss
Registration No. 48,981

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P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800